

**ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014**  
**COMMITTEE STATEMENT**  
**LB1001**

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**Hearing Date:** Wednesday February 12, 2014  
**Committee On:** Judiciary  
**Introducer:** Wallman  
**One Liner:** Allow production and marketing of industrial hemp, exempt industrial hemp from the Uniform Controlled Substances Act, and provide powers and duties for the Department of Agriculture

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Ashford, Chambers, Christensen, Coash, Lathrop, McGill, Seiler
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Davis

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<b>Proponents:</b>	<b>Representing:</b>
SEN. NORM WALLMAN	INTRODUCER
MARK PLUTA	BAST LABS
BILL HAMB	SELF
JASON FELDMAN	SELF
RACHEL SABIN	SELF
LEN SCHROPFER	SELF
FRANK SHOEMAKER	SELF
JUSTIN OREM	SELF

<b>Opponents:</b>	<b>Representing:</b>
<b>Neutral:</b>	<b>Representing:</b>
SHAWN HEBBERT	SASA NSA

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**Summary of purpose and/or changes:**

LB 1001 amends section 28-401 to allow the production of industrial hemp, and to exempt industrial hemp from the Uniform Controlled Substances Act. LB 1001 would also provide powers and duties for the Department of Agriculture to regulate the production of industrial hemp.

Section 1 defines hemp as all parts and varieties of the plant cannabis sativa whether growing or not that contains 1% or less concentration of tetrahydrocannabinols (THC) by dry weight.<sup>1</sup>

Section 2 recognizes hemp as an oilseed and upon meeting the licensure requirements of sections 1 to 6 of this act, allows a person in this state to plant, grow, harvest, possess, process, sell, and buy industrial hemp.

Section 3 describes the application process for a license to produce industrial hemp. The Department of Agriculture will prescribe an application form requiring the name and address of the applicant and the legal description of the land area to be used for the production of industrial hemp.

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Most applicants for initial licensure shall provide fingerprints to the Nebraska State Patrol and pay for a background check conducted by the Nebraska State Patrol.

A report shall be issued to the department that includes the criminal history record information concerning the applicant and may only be used to determine an applicant's eligibility for licensure.

Any person with prior criminal conviction is not eligible for a license to grow industrial hemp.

If the applicant has completed the application process to the satisfaction of the department, the department shall issue the license.

A license to produce industrial hemp shall be valid for a period of one year.

Section 4 sets forth the information that must be provided to the Department of Agriculture if a license to produce industrial hemp is granted.

Each industrial hemp licensee shall file with the Department of Agriculture;

Documentation indicating that the industrial hemp seeds planted were of a type and variety certified to have no more than 1% tetrahydrocannabinols.

A copy of any contract to grow industrial hemp.

Notify the department of the sale or distribution of any industrial hemp grown by the licensee.

The name of the persons to whom the industrial hemp was sold or distributed.

Section 5 directs the Department of Agriculture to regulate the production of industrial hemp, and creates the Industrial Hemp Licensure Fund to carry out and enforce the application, licensure and regulation processes set forth in this act.

Section 6 recognizes nothing in sections 1 to 6 of this act shall interfere with the enforcement of the strict control of marijuana and marijuana concentrate under the Uniform Controlled Substances Act; and disallows an affirmative defense to criminal prosecution for the possession or cultivation of marijuana if such person is not in compliance with section 1 to 6 of this act.

Section 7 amends the definition of "marijuana" and the definition of "hashish or concentrated cannabis" as used in the Uniform Controlled Substances Act (Sections 28-401 to 28-458 to 28-462).

Section 8 repeals original section 28-401, Revised Statutes Supplement, 2013.

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**Explanation of amendments:**

AM2022, adopted by the Committee, would remove all requirements to undergo a criminal background check, provide for fingerprints, and the requirement that any person with a prior criminal conviction be ineligible for a license under the bill.

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Brad Ashford, Chairperson